

# **Governor's Blue Ribbon Water Task Force**

## **Draft Meeting Notes**

**March 22, 2006**

**Attendees:** Larry Blair, Conci Bokum, Brian Burnett, Frank Chaves, Lisa Henne, Steve Hernandez, Bill Hume, Howard Hutchinson, Sarah Kotchian, Elmer Lincoln, Paul Paryski, and Jack Westman. Butch Blazer attended as a guest.

### **Task Force Response to Drought Declaration**

Task Force members discussed recommendations for Governor Richardson in response to his drought declaration. Bill Hume stated that the governor's office will review any and all strategies and tactics for promoting conservation and managing the drought.

Task Force members agreed that Governor Richardson needs to send out a message that New Mexico is an arid region and that water conservation is always important, not just during drought.

Howard Hutchinson commented that conservation plans from municipalities have been very successful, but the revenue flows have dropped with the water savings. The municipalities are now trying to figure out how to meet their bond obligation payments. It is likely that water rates will have to be raised, which is unfortunate because customers will be penalized for making voluntary cutbacks.

Jack Westman commented that there needs to be more focus on conservation initiatives at the county level. Jack mentioned Albuquerque as an example – there has been no effort to encourage water conservation for the large population that is outside of the municipal boundaries and is not being served by the municipality.

Howard mentioned that when he worked on the water plan for Catron County in the early 1990s, an ordinance was put into place that gives the water board the authority to make a declaration within a basin area in the event of a water emergency. The declaration can contain provisions prohibiting outside watering, car washing, etc., with infractions of \$300 per violation. At the next general election following the declaration, the water declaration goes to referendum, and voters can remove or sustain it.

Jack commented that the National Association of Industrial and Office Properties (NAIOP) has a task force working on conservation. One of the things that the NAIOP task force has discussed at length is to require that every existing commercial and multifamily building retrofit with low flow toilets. Jack added that public perception that low flow toilets do not work will have to be overcome. Low flow toilets are much better than they used to be, but many people are opposed to the idea based on experiences with older models.

Paul Paryski mentioned that the rooftop harvesting ordinance that he is working on for the city of Santa Fe includes reuse of rooftop water for toilets.

Conci Bokum noted that there is a huge array of ways to conserve water, but “hard wiring” water conservation is thought to be the most effective approach.

Jack commented that landscaping for existing buildings uses a lot of water, but the City of Albuquerque still has an ordinance that requires developers to install landscaping. Jack added that the City of Albuquerque also has rebate programs for conversion to xeroscape, low flow, etc. but the average citizen is unaware of these incentives. Jack recommended that there be a statewide emphasis on landscape conversion to reduce water use. Howard responded that the problem with that approach is that people are also being encouraged to plant trees to reduce energy use, and a lot of those ordinances target people who were using gravel, etc, which increases heat and energy use for cooling. Howard suggested that to balance the two objectives, there should be more emphasis on using xeric trees for reducing energy use.

Paul Paryski mentioned that the City of Santa Fe’s rooftop harvesting is proposed to be mandatory under the new ordinance. Paul asked Jack for feedback on what kinds of rebates or other incentives would be the most attractive from the perspective of developers. Jack responded that the impact fee is the best place to get the money back to the builder. Jack added that it is important to look at the cost of the system and scale your incentive so that it is proportionate to the system cost.

Jack commented that it is important to raise the level of awareness across the state on the issue of drought. Jack suggested resurrecting a proposal that was made to the governor to declare a statewide day of prayer for drought. Jack mentioned that at an earlier date, he had drafted a resolution for the governor for a day of prayer, and the New Mexico council of churches was interested in being involved. It is also possible that some of the tribes could also be involved. A suggestion was made that the words “prayer, reflection, and action” be used. Another suggested phrase was “prayer for guidance and wisdom for with dealing with the drought”.

Paul Paryski commented that total reuse systems (“toilet to tap”) should receive more emphasis.

Howard commented watershed restoration for water supply needs to be included in watershed management goals. Howard added that watershed conditions are a factor in the reduction of natural stream flows during the drought, and that streams aren’t running as well now as they did during the 1950s drought. Howard also commented that although watershed restoration is expensive and labor intensive, the state has high unemployment and could benefit from job creation for watershed restoration.

Sarah Kotchian commented that the state needs a strategy for promoting long-term economic growth that does not use a lot of water. Such a strategy could include an overarching state policy that recognizes that we live in an arid area, regardless of the current drought. This statewide policy should recognize the interrelatedness of energy use, economic growth, and water use, and promote long term economic growth strategies that do not place heavy demands on water supplies. The overarching policy should also tie together energy policy, economic policy, and water policy.

Several Task Force members mentioned the importance of incentives for water conservation across all sectors. Brian stated that the regional water plans could serve as a model for how to

develop regional conservation and incentive plans. Other financial incentives such as the state program to cost-share on vegetation thinning should be promoted.

Howard suggested that a program to maintain the economic viability of the agricultural sector while promoting conservation should be developed, since much of the water use is in agriculture.

Larry Blair added that new technology to monitor ground moisture could also save water, and that the conservation practices in the southern part of the state could apply elsewhere. Lisa Henne commented that this would tie in with the Task Force's recommendation that state universities focus research efforts on agricultural water conservation.

Paul suggested that all state buildings should be required to have rooftop harvesting for flushing toilets, and that there be statewide requirements for subdivisions to have conservation technologies. Brian added that rooftop harvesting would be good to have on all buildings, not just state buildings.

Conci also commented that there are a number of things that can be done to conserve water, but some are very controversial. Conci added that it is very important to be strategic about conservation, because if conservation is discredited in one way, it becomes harder to do it in other ways. The OSE conservation office could help to create a repository of experience, but that section of the OSE does not get sufficient funding. Conci noted that we have learned a lot of lessons and it would be a shame to lose that information.

Frank Chaves commented that everyone has his own agenda and priorities, but conservation ultimately comes down to economics. Economists could help us understand the resource impacts and fiscal impacts of various conservation alternatives.

Sarah Kotchian commented that there is not a good tie between water protection and supply, and the link between environmental quality and water quality should also be highlighted.

Frank Chaves commented that the different cultural values of water need to be better understood.

Bill Hume commented that it is difficult to communicate the menu of options for water conservation on a statewide basis. Bill suggested that a group of experts could be convened to travel around the state and inform water managers about what resources and technologies are available.

Conci Bokum suggested that having Governor Richardson declare 2007 as the year of water would help to spread information, and would give the governor the opportunity to celebrate the advances that have been made and draw attention to water issues.

Frank commented that we have water in storage this year, but if the reservoirs do not get filled, next year could be severe. It is very important for Governor Richardson to stay ahead of this issue.

## Domestic Wells Proposed Rules and Regulations

Task Force members discussed the OSE proposed rules and regulations for domestic wells. Jack commented that it would make more sense to require that all new wells have a meter because it is much cheaper to install a meter when the well is being built. Jack added that people who have metered wells will be more conscious of how much water they use. Bill Hume commented that some of the new wells are in remote locations, and part of getting people to comply with the new regulations is to make it clear that the regulations will be enforced and the meters are being required for that purpose. Conci Bokum added that the dynamic Bill described is very important – people have to have faith that the metering requirement will lead to water conservation or it will not work. Bill Hume commented that it is also important to know what will be done if someone uses too much water.

## Presentation by Butch Blazer, State Forester

Butch reported on upcoming fire season and also provided an update on the New Mexico Forest and Watershed Health Plan:

Butch reported that since January 1, 2006, fire departments have responded to 200 fires, and approximately 250,000 acres have burned. The fire season is predicted to start in 2-3 weeks and to be more severe than normal. Butch commented that a normal spring would be the best that we could hope for, but given one of the driest winters on record, the outlook is still not good.

Butch stated that fire restrictions have been imposed on all but San Juan and McKinley counties. He added that the State Forestry Department has a single engine air tanker on line in Las Vegas. One single engine air tanker is on order and will be in Ruidoso by March 24<sup>th</sup>, and another will be located at Double Eagle airport in Albuquerque. The Office of Emergency Management has two Black Hawk helicopters available.

Butch informed Task Force members that the State Forestry Department has interagency resources that are available through Joint Powers Agreements, including two heavy air tankers, one type 1 helicopter, two military C130s, one medium helicopter at Bandelier, and one medium helicopter at the Sandia Ranger District. Butch added that overhead teams to manage the most complex incidents can be ordered when needed, and a New Mexico type 2 team will be available by April 1, as will four hotshot crews. With these resources, the Forest Service and other agencies will be able to staff teams quickly. Butch commented that there have been many interagency coordination meetings to inform each other about what resources will be available and where. Butch also commented that both structural firefighters and wildfire firefighters need to work together because both are involved in wildfires. Butch added that collaboration is extremely difficult to do with all of the different agencies that are involved.

Butch mentioned that one of his concerns has been about how his agency would coordinate with the Office of Emergency Management (OEM), since the OEM plays an important role with evacuations. Butch has been talking to the OEM about coordination and understanding how the OEM can complement the resources that State Forestry and other agencies have available. As a result of these discussions, OEM Director Tim Manning got an executive order that allows the OEM to use its funding to help areas and counties that the State Forestry Department can not legally spend money on. For example, paying overtime wages for coverage during the highest

risk parts of the day is an unallowable expense for State Forestry. Having the OEM cover these wages would allow pre positioning of crews to be ready to fight fires where they are most likely to occur.

Butch informed Task Force members that he has also been talking to Tim Manning about communication issues. For example, some of the new district offices are not fully operational with the state's new email system, which is unacceptable because these offices must have reliable email and internet access to get the wildfire data that they need during critical times. Butch mentioned that another matter of concern is that there are a number of areas in the state that do not have good radio communication. Tim Manning has agreed to pull together a team to evaluate communication problems and combine resources to address them. Butch emphasized that the agencies will continue to have good communication throughout the season, and will meet every morning when the fire season is underway.

Howard commented that he had just read a post-fire impact report for the Rodeo-Chediski fire, and that there were a number of emergency situations that arose for up to two years after the fire. The report pointed out lack of FEMA or USFS assistance, and limited state response to post-fire emergency situations such as flood, dead fall, etc. Howard added that these post fire emergency situations need to be a component of watershed and fire planning. Washed out bridges and roads, reservoirs filling with sediment, etc. are not covered by insurance companies. Howard asked Butch whether anything is being done to deal with post-fire issues. Butch responded that the State Forestry Department has been discussing that issue.

Butch told Task Force members that he has been talking to the Arizona State Forester to share their experiences. Arizona has focused on fire prevention rather than forest health, while New Mexico has focused on forest health rather than fire prevention. Because they have focused on different aspects of fire, each state can learn from the other's approaches. Butch explained that he was originally supposed to develop a fire plan, but he views this fire situation as a symptom of a forest health situation. As such, he prefers to treat the problem rather than the symptom.

Butch also commented that there is an effort to combine Farm Bill money with state resources to fund the watershed work that needs to be done in New Mexico. The Soil and Water Conservation Districts will probably be involved with some of this work. Butch added that strengthening local fire departments will also be very important.

Howard Hutchinson commented that the vegetation planted for restoration after the Cerro Grande fire at Los Alamos has created a fuel layer that could make the town is even more vulnerable, and added that evaluation is needed to make sure our past responses have been appropriate.

Jack Westman asked how coordination is achieved for areas that are partially within pueblo lands. Butch responded that the coordination is done through the Southwest Coordination Center with protocols set up in advance. Non-Indian fire fighters receive training on proper procedures while on the reservations. Butch also mentioned that Governor Richardson does not make a distinction between state or private land when it comes to fighting fires, and considers the pueblos to be citizens of the state.

Jack commented on the high flammability of salt cedar, and asked whether there is any kind of a coordinated effort to control salt cedar in the Bosque across jurisdictional boundaries. Butch responded that there is a new salt cedar plan that is inter-jurisdictional, but this plan will require that all of the partners change their management practices.

Paul Paryski asked whether there has been any effort to recreate high meadows. Butch replied that the State Forestry Division has been working with wildlife biologists and land managers to do that.

Brian Burnett asked about the types of strategies can be effective given the enormous amount of acreage that we have in the state. Butch responded that the State Forestry Division has to set priorities, and that the first priority is the wildland-urban interface (WUI). Butch added that there will not be enough federal and state subsidies to treat the million acres that need to be treated, and agencies will have to prioritize and combine resources.

Butch stated that stewardship contracting to harvest 8,000-12,000 acre plots over 10 years is being looked at, but it is difficult to find a market for the small scale biomass. This type of management has to be paired with technology development to use small diameter wood. Butch mentioned that the sawmill operation at Mescalero uses waste from the mill to provide heat and energy for the mill and to dry the lumber. Butch added that he thought that having smaller units to process small diameter wood located near the source would be a better approach than building one large plant. Butch also stated that some of the acreage needs to be logged. Butch explained that he is in favor of protecting large trees, but is not in favor of size caps because some of the large trees can be harvested and still maintain adequate wildlife habitat. Butch also commented that the biomass industry in New Mexico needs to be driven by the need for thinning, and not by the timber industry.

Brian Burnett asked Butch what his overall top priorities were. Butch responded that educating the public in New Mexico about wildfire and drought is a high priority. Sarah Kotchian asked Butch about his opinion of the best way to educate the public. Butch responded that the Forest and Watershed Health Plan calls for the development of working groups made up of representatives from federal agencies, state agencies and tribes. These working groups would be tasked with developing a state-wide network for disseminating educational information. Butch also mentioned that he thought the educational videos produced by the LANL Water Research Technical Assistance Office are very well done and should be widely distributed.

Butch identified implementation of the Forest and Watershed Health Plan as another high priority. Sarah Kotchian asked Butch about outstanding needs for coordination, and Butch responded that the Forest and Watershed Health Plan calls for development of an advisory council to help connect different efforts that are going on.

Bill Hume commented that one of the criticisms is that the state has been too focused on water quantity and not enough on water quality. Bill mentioned the EPA 319 program, which is administered through the NMED and focuses on addressing non-point source pollution through the development of watershed management plans by local-level watershed organizations. Bill stated that it is important to have the watershed groups monitor and evaluate the effectiveness of the treatments.

## Review of Project Innovation List

Bill Hume explained that the purpose of the project review would be to identify the projects that have accomplished something innovative with the ultimate goal of making those technologies available on a broad scale.

Sarah Kotchian commented that the Task Force evaluation should try to identify the factors that made particular projects successful. Sarah suggested using the following questions as a starting point: what criteria do the funding recipients use to evaluate success, and do we agree with those criteria? To evaluate the replicability of the projects, the recipients should be asked to explain what problem they were trying to solve, what they did and how, what additional resources were required, and what were the barriers to their success or what helped them to be a success. Any lessons learned through the project can be passed along to other people who want to do similar projects. Task Force members could report to the governor on the lessons that we learned from the process and make recommendations for future project proposal reviews.

Task Force members discussed the definition of “innovative”. Howard Hutchinson commented that when he read at the project status reports, he was focusing on water savings and water quality. Brian Burnett commented that he focused on whether the projects were innovative. Howard responded that one could use an off-the-shelf technology in an innovative way. Larry Blair commented that the term innovation often implies technological innovation, but there could be other aspects of a project that are innovative besides technology. For example, one of the projects focuses on helping households learn how to conserve water. Frank Chaves commented that some of the projects might be innovative in how they combine resources.

Paul Paryski suggested using a grid for evaluation.

Task Force members agreed to develop a ranking projects based on common criteria. Suggested criteria included:

1. innovation
2. water savings
3. return on investment
4. replicability

The Task Force will focus on this task for the next meeting.

## Video Presentation: Anatomy of a Watershed

Charlie Nylander of the LANL Water Research Technical Assistance Office (WRTAO) briefed Task Force members on the following primary goals and objectives of WRTAO:

- encourage collaborations and partnerships among agencies, local governments, pueblos, and other entities in the Española Basin and New Mexico with the goal of achieving sustainable water use and wastewater management;

- increase knowledge and understanding of water science, management, and sustainability through water science education and outreach to students, teachers, the public, and decision-makers;
- support research to fill the gaps in geological and hydrological information that is needed for better water resources decision-making; and
- serve as a clearinghouse for water resource information for the public and decision-makers.

Charlie showed one of the newest of the WRTAO videos, titled “Anatomy of a Watershed”. WRTAO has made seven educational films that are being distributed around school districts across the state. The WRTAO films are made in a generic way so that they can be used in a variety of forums. Charlie asked the Task Force to provide him with feedback on furthering the distribution efforts

Brian suggested putting the videos on the internet so that people could access them through their computers. Elmer Salazar asked Charlie if WRTAO could make a video that includes all of New Mexico’s cultural aspects of water in one film. Larry Blair commented that urban culture should also be included.

## House Joint Resolution 6

HJR6 is a proposal to amend Article 16 of the NM constitution to provide for a water trust. Brian Burnett raised the issue of how the Task Force might be effective in supporting HJR6. Conci suggested that the Task Force start creating a master list of organizations that would support it, and offered to coordinate the creation of a one-page information list. Lisa Henne commented that this could tie in with Howard Hutchinson’s suggestion that the Task Force focus on getting support from local leaders for water-related legislation. Larry Blair mentioned that the Municipal League has an annual meeting with educational sessions, and there might be an opportunity to offer a session on water legislation. Other organizations that were mentioned include the Coalition of Counties and the League of Women Voters.

## Navajo Nation Indian Water Rights Settlement

Task Force members asked Lisa to arrange a formal presentation on Navajo settlement for an upcoming meeting. Specifically, the members are interested in hearing about strategies for increasing awareness and getting federal funding for the settlement.

Frank Chaves commented that the settlements are viewed as primarily benefitting Indians, and there is not an awareness that there are many non-Indian beneficiaries to these settlements. Frank added that there is a great deal of need for education about these issues.

## Upcoming Meetings

- Task Force members requested that Anne Watkins give an update of Drought Task Force activities.



- Jack Westman mentioned that the MRGCD would like to host the Task Force for lunch as part of the May tour. The tour will focus on metering.

Bill Hume mentioned that there has been a recent ruling in a lawsuit over storage rights for the MRGCD, and the district is now working with Dominici's office to do a title bill that would give El Vado back to the conservancy district. The state and pueblos have concerns about this bill. Lisa agreed to request that Chuck Dumars give a talk during the tour about the MRGCD position.